

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)
Edison Company, The Cleveland Electric)
Illuminating Company, and The Toledo)
Edison Company for Authority to Provide) Case No. 14-1297-EL-SSO
for a Standard Service Offer Pursuant to)
R.C. 49028.143 in the Form of an Electric)
Security Plan.)

ENTRY

The attorney examiner finds:

- (1) Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy) are public utilities as defined in R.C. 4905.02 and, as such, are subject to the jurisdiction of this Commission.
- (2) On August 4, 2014, FirstEnergy filed an application pursuant to R.C. 4928.141 to provide for a standard service offer (SSO) to provide generation pricing for the period of June 1, 2016, through May 31, 2019. The application is for an electric security plan (ESP), in accordance with R.C. 4928.143.
- (3) On April 1, 2015, Interstate Gas Supply, Inc. (IGS), filed a motion for a third party subpoena duces tecum on Duke Energy Ohio, Inc., (Duke). The attorney examiner signed the subpoena the same day.
- (4) On April 10, 2015, Duke filed a motion to quash the subpoena.
- (5) On June 2, 2015, a prehearing conference was held to resolve pending discovery matters. At the conference, the attorney examiners denied Duke's motion to quash the subpoena.
- (6) Ohio Adm.Code 4901-1-15 provides that any party who is adversely affected may take an immediate interlocutory appeal to the Commission from any oral ruling that refuses to quash a subpoena. Any party wishing to take an interlocutory appeal must file the appeal within five days after the ruling is issued. Additionally, unless otherwise ordered by the Commission,

any party may file a memorandum contra within five days following the filing of an interlocutory appeal.

- (7) On June 8, 2015, FirstEnergy and Duke filed applications for interlocutory appeal of the attorney examiners' decision denying Duke's motion to quash the subpoena.
- (8) Thereafter, on June 15, 2015, IGS filed a motion for extension and a request for expedited treatment. In its supporting memorandum, IGS requests that the attorney examiner extend the deadline for IGS to file its reply to the interlocutory appeals until June 17, 2015. IGS states that it requests the extension due to unanticipated, unavoidable events outside of its counsel's control, and notes that Duke and FirstEnergy do not oppose the extension.
- (9) The attorney examiner finds that IGS' request for an extension of the deadline to file its memorandum contra the interlocutory appeals is reasonable and should be granted. Consequently, the deadline for IGS to file its reply to the interlocutory appeals shall be extended until June 17, 2015.

It is, therefore,

ORDERED, That the deadline for IGS to file its reply to the interlocutory appeals shall be extended until June 17, 2015. It is, further,

ORDERED, That a copy of this Entry should be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Mandy W. Chiles

By: Mandy W. Chiles
Attorney Examiner

jrj/vrm

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in

Case No(s). 14-1297-EL-SSO

Summary: Attorney Examiner Entry extending the deadline for IGS to file its reply to the interlocutory appeals until June 17, 2015; electronically filed by Vesta R Miller on behalf of Mandy L. Willey, Attorney Examiner, Public Utilities Commission of Ohio